



## Planning Commission Study Session

**TO:** PLANNING COMMISSION

**FROM:** MIKE MILILLO, CSBA, SENIOR PLANNER *MM*  
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**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*  
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** FEBRUARY 5, 2014

**SUBJECT:** Z13-36: USE PERMIT MODIFICATION REGULATIONS LAND  
DEVELOPMENT CODE (LDC) TEXT AMENDMENT, CITIZEN REVIEW.

**STRATEGIC INITIATIVE:** Be a Technology Leader

The proposed text amendment will assist in improving service efficiency by allowing a greater number of Wireless Communication Facility modifications to be approved administratively.

### RECOMMENDED MOTION

- A. STAFF REQUESTS THAT THE PLANNING COMMISSION INITIATE A TEXT AMENDMENT TO THE ZONING CODE OF GILBERT, ARIZONA CHAPTER I ZONING REGULATIONS, DIVISION 5 ADMINISTRATION, ARTICLE 5.4 USE PERMITS, SECTION 5.404 EXPIRATION; MODIFICATIONS; REVOCATION, SUBSECTION B MODIFICATIONS RELATED TO ALLOWING THE ZONING ADMINISTRATOR TO APPROVE MINOR MODIFICATIONS TO CONDITIONAL USE PERMITS FOR WIRELESS COMMUNICATION FACILITIES (WCF).
- B. CONDUCT CITIZEN REVIEW MEETING TO DISCUSS THE PROPOSED LDC TEXT AMENDMENT PERTAINING TO USE PERMIT MODIFICATIONS FOR WCF.

## **BACKGROUND/DISCUSSION**

### **Overview**

Article 5.4 of the Land Development Code (LDC) currently sets forth requirements for three use permit classifications:

1. ***Administrative Use Permit.*** A use permit approved by the Zoning Administrator for a use in specified districts based on a determination of compliance with standards set forth in the Base District Regulations and individual review of their location, design, configuration, intensity, and density of use or structures.
2. ***Conditional Use Permit.*** A use permit approved by the Planning Commission for a use in specified districts based on a determination of compliance with standards set forth in the Base District Regulations and individual review of their location, design, configuration, intensity, and density of use or structures.
3. ***Special Use Permit.*** A use permit approved by the Planning Commission for a use in any zoning district, based on consideration of the technical requirements of the use, characteristics of the location where the use is proposed to be established, and impacts on adjacent uses.

The first two types of these use permits are used to approve certain types of Wireless Communication Facilities (WCF) as detailed in Article 4.7 of the LDC. Approval or denial of either type of use permit requires that “findings” be made by the Zoning Administrator or Planning Commission.

Additionally, LDC Article 5.4 includes regulations pertaining to expiration, modifications and revocation of use permits. This proposed text amendment will change the process for minor modifications to Conditional Use Permits (CUP) for WCFs. Currently, the Zoning Administrator may only approve reasonable changes to Administrative Use Permits (AUP) after finding that the changes do not alter a Final Design Review approval or any condition of the AUP. Minor modifications to CUPs may only be granted by the decision-making body (Planning Commission) as detailed in the *Existing Zoning Code* section below.

The Planning Division receives numerous requests from wireless communication providers for approval of minor modifications to their facilities each year. Over the past three years (2011-2013), staff has approved between 6 and 15 minor modifications to WCFs each year for a total of 34. Over the same time period, the Planning Commission approved a total of 11 minor modifications to WCFs with 6 of those in 2013. Although the minor modifications to CUPs over the three years are less than half of those for AUPs, the number of requests received is increasing. With future wireless communication technology improvements, staff expects this trend will continue. This text amendment will allow all minor modifications to WCFs to be approved administratively, whether they were approved by CUP or AUP.

Unlike many other types of conditional use permits, those related to review and approval of wireless facilities are normally limited by federal law to analysis of the visual impacts on nearby land uses. New or modified wireless facilities do not typically result in off-site traffic, noise, parking or odor impacts the way many other conditionally permitted uses do. Therefore, staff is comfortable with limiting the scope of administrative approval to WCF modifications.

### **Existing Zoning Code**

The existing Section 5.404 governing modifications to Use Permits reads as follows:

#### 5.404 Expiration; Modifications; Revocation

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B. **Modifications.** No change is permitted in the use or structure for which a use permit has been issued except as follows:

1. *Administrative Use Permit.* The Zoning Administrator may approve modifications to any Administrative Use Permit. Modifications are limited to reasonable changes to the Administrative Use Permit that do not substantially alter a Final Design Review approval or any condition of the Administrative Use Permit. The Zoning Administrator shall provide written records of the decision and supportive findings.
2. *Conditional Use and Special Use Permits.* Modifications to a Conditional or Special Use Permit may be granted by the decision-making body pursuant to the procedures set forth in Article 5.2: Common Procedures.

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#### Proposed Zoning Code

Staff requests that the Planning Commission initiate a text amendment to modify the LDC relating to modifications to Conditional Use Permits for Wireless Communication Facilities. The LDC would be amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

#### 5.404 Expiration; Modifications; Revocation

\*\*\*

B. **Modifications.** No change is permitted in the use or structure for which a use permit has been issued except as follows:

1. *Administrative Use Permit.* The Zoning Administrator may approve modifications to any Administrative Use Permit. Modifications are limited to reasonable changes to the Administrative Use Permit that do not substantially alter a Final Design Review approval or any condition of the Administrative Use Permit. The Zoning Administrator shall provide written records of the decision and supportive findings.
2. *Conditional Use and Special Use Permits.* Modifications to a Conditional or Special Use Permit may be granted by the decision-making body pursuant to the procedures set forth in Article 5.2: Common Procedures. THE ZONING ADMINISTRATOR MAY APPROVE REASONABLE CHANGES TO CONDITONAL USE PERMITS FOR WIRELESS COMMUNICATION FACILITIES (WCF) THAT DO NOT SUBSTANTIALLY ALTER THE USE PERMIT APPROVAL OR ANY CONDITION OF APPROVAL.

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Typical WCF use permit modifications found to be “reasonable changes” are: (1) replacement of an existing antenna array with a new antenna array mounted at the same height on a monopole; (2) a slight increase (1’-2’) in individual antenna height which is visually insignificant at a 50’ or 60’ mounting height; (3) replacement of antenna arrays with the same number of new antenna arrays that fit more snugly against the monopole; or (4) providing a greater number of antenna arrays that are smaller and more compact than existing antenna arrays. In each of these examples, the changes do not significantly alter the use permit approval and would not be more visually obtrusive than the existing facilities.

### **STAFF REQUEST**

- A. Staff recommends that the Planning Commission initiate a text amendment to the Land Development Code of Gilbert, Arizona amending the Use Permit regulations related to allowing the Zoning Administrator to approve minor modifications to Conditional Use Permits for Wireless Communication Facilities (WCF).
- B. Conduct a Citizen Review meeting to discuss the proposed LDC text amendment pertaining to minor modifications for Conditional Use Permits for Wireless Communication Facilities (WCF).

Respectfully submitted,



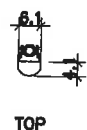
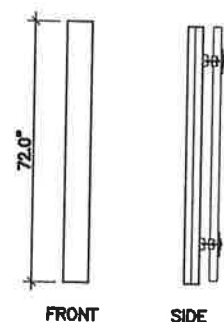
Mike Milillo  
Senior Planner, CSBA

### **Attachments:**

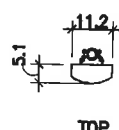
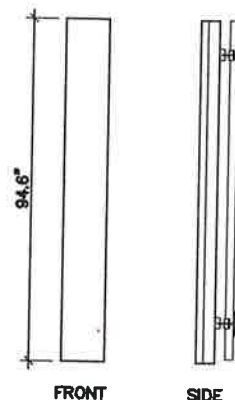
- 1. Exhibits Depicting Typical Existing and Proposed WCF Modifications

NEW HYBRID COAXIAL CABLE TABLE			
SECTOR	LENGTH	NO.	SIZE
ROSENBERGER	+/- ...	(1)	1 5/8"

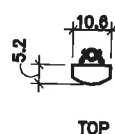
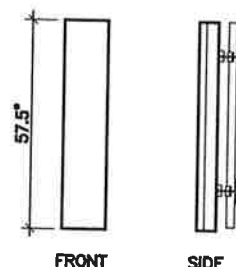
EXISTING/NEW COAXIAL CABLE TABLE					
SECTOR	AZIMUTH	LENGTH	NO.	SIZE	TYPE
ALPHA	50°	+/- 106'-0"	(4)	1 5/8"	AVA7-50
BETA	180°	+/- 106'-0"	(4)	1 5/8"	AVA7-50
GAMMA	290°	+/- 106'-0"	(4)	1 5/8"	AVA7-50



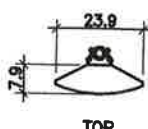
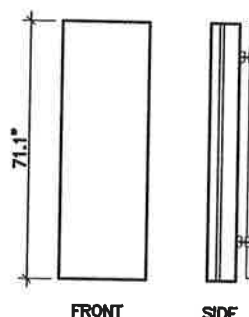
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SCALE: 1/2" = 1'-0"



5 EXISTING ANTENNA DETAIL  
SCALE: 1/2" = 1'-0"

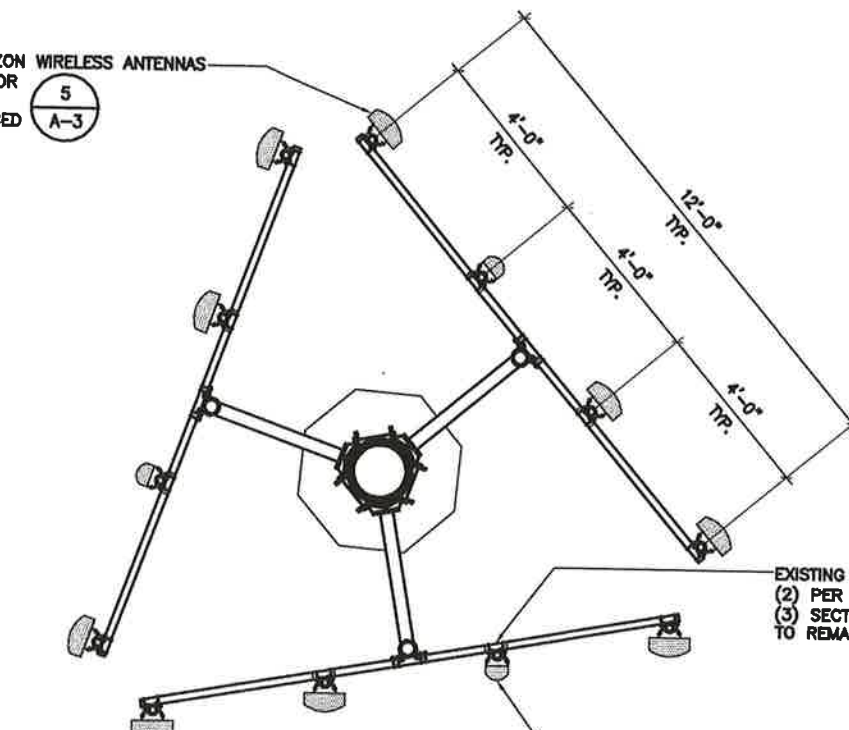


4 NEW ANTENNA DETAIL  
SCALE: 1/2" = 1'-0"



3 NEW ANTENNA DETAIL  
SCALE: 1/2" = 1'-0"

EXISTING VERIZON WIRELESS ANTENNAS  
(3) PER SECTOR  
(3) SECTORS  
TO BE REPLACED

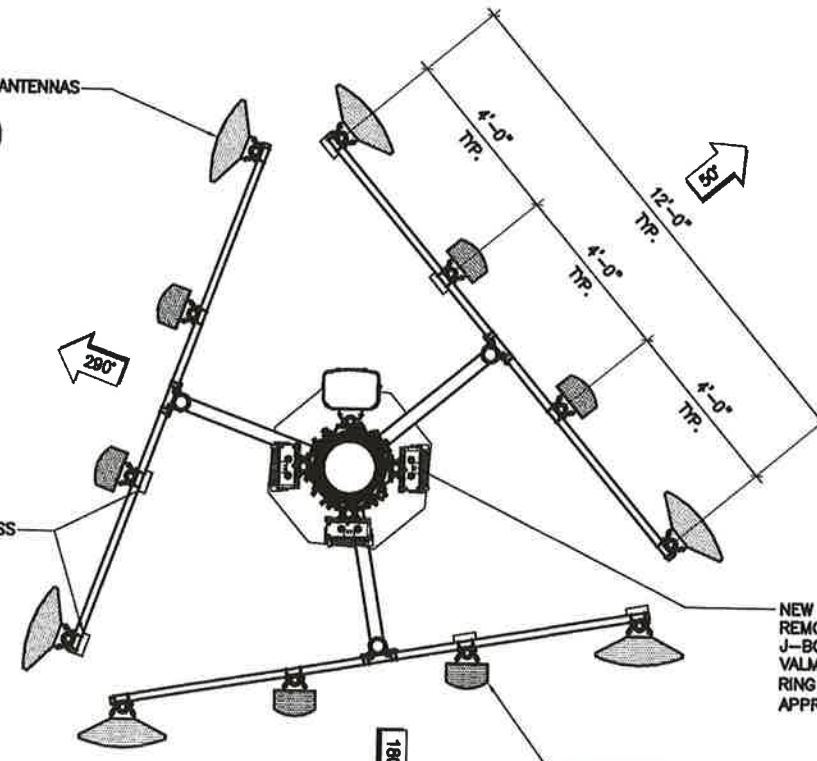


1 EXISTING ANTENNA PLAN  
SCALE: 1/2" = 1'-0"

EXISTING VERIZON WIRELESS ANTENNAS  
(1) PER SECTOR  
(3) SECTORS  
TO BE REPLACED

EXISTING VERIZON WIRELESS DIPLEXERS  
(2) PER SECTOR  
(3) SECTORS  
TO REMAIN

NEW VERIZON WIRELESS ANTENNAS  
(2) PER SECTOR  
(3) SECTORS



2 NEW ANTENNA PLAN  
SCALE: 1/2" = 1'-0"

NEW VERIZON WIRELESS ANTENNAS  
(2) PER SECTOR  
(3) SECTORS

NEW VERIZON WIRELESS REMOTE RADIO HEADS AND J-BOX TO BE MOUNTED ON VALMONT QUAD UNIVERSAL RING MOUNT, P/N# UQB4 (OR APPROVED EQUAL)

verizonwireless  
126 W. GEMINI DR., TEMPE, AZ 85283

INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
RF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE

BK Design Inc.

4835 E. INDIGO ST., #104 MESA, AZ, 85206  
PHONE: (480) 204-1412 FAX: (480) 930-9353

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PROJECT NUMBER	DRWN BY	CHKD BY
13067	JP	BK

REVISIONS		
1	08.13.13	ISSUE TO CLIENT
2	10.16.13	ISSUE FOR SUBMITTAL

Approved Zoning Administrator  
CASE: # APR11-06 Rev.  
DATE: 11/21/13  
SUBJECT TO CONDITIONS OF APPROVAL

SITE NAME

PHO GERMANN

SITE ADDRESS

S. 140TH ST & E. GERMANN RD.  
GILBERT, AZ

SHEET TITLE

ANTENNA INFORMATION

Z13-36  
Attachment 1: Exhibits Depicting Typical Existing and Proposed WCF Modifications  
February 5, 2014



INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
RF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE



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13007	JP	BK

REVISIONS		
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2	10.16.13	ISSUE FOR SUBMITTAL

SITE NAME

**PHO GERMANN**

SITE ADDRESS

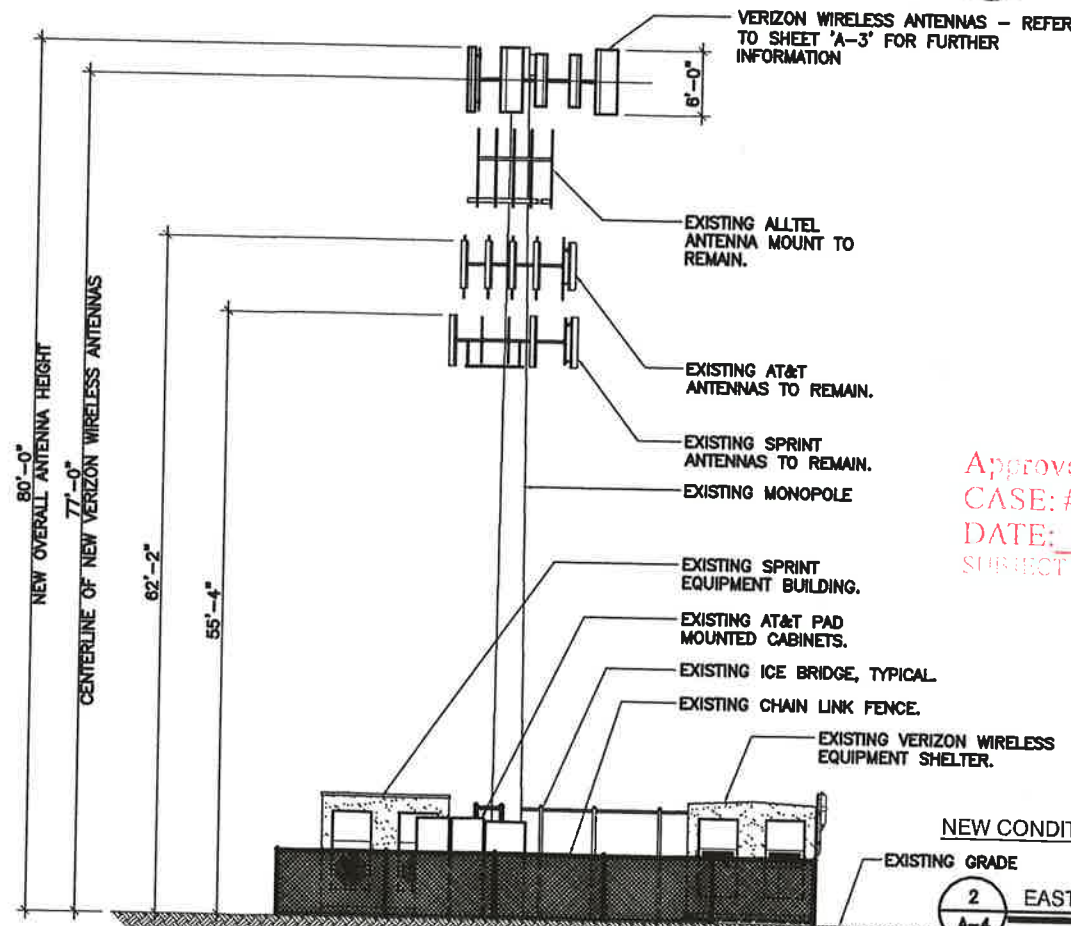
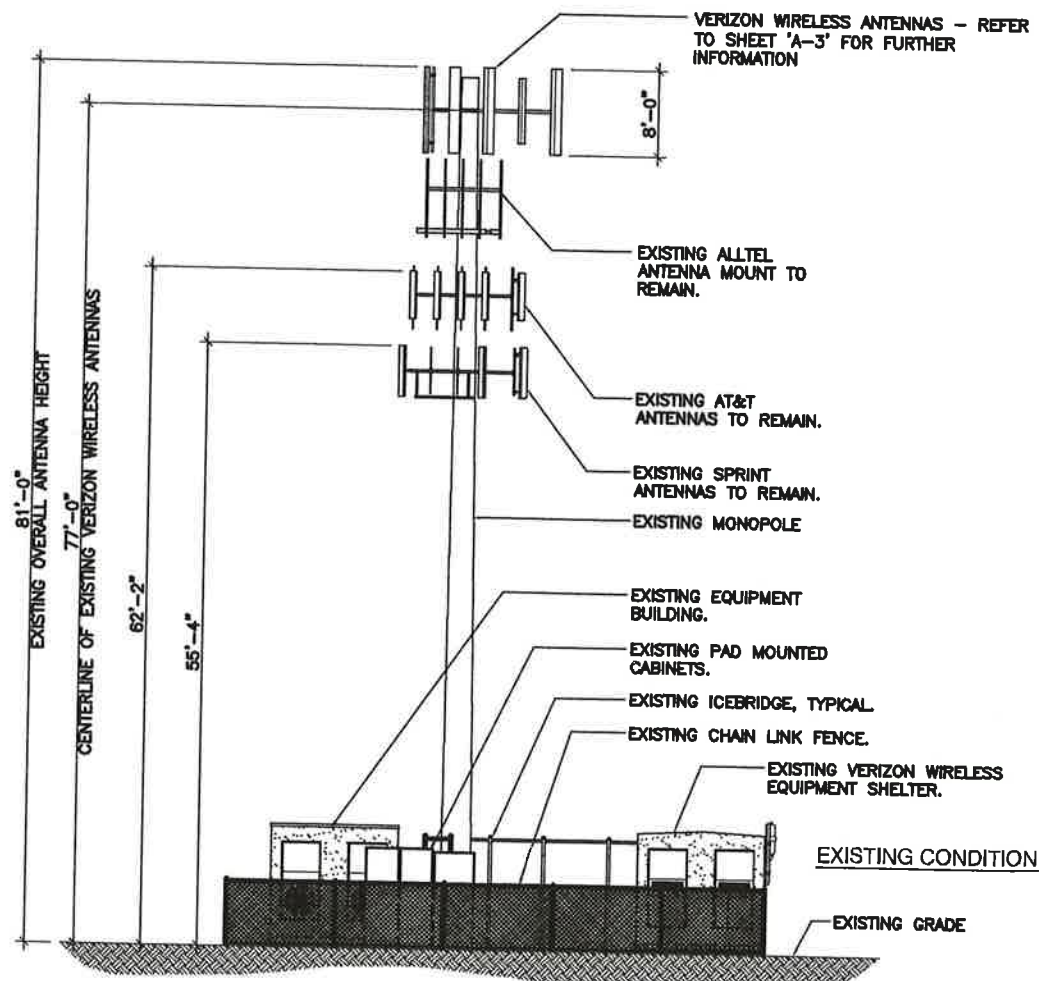
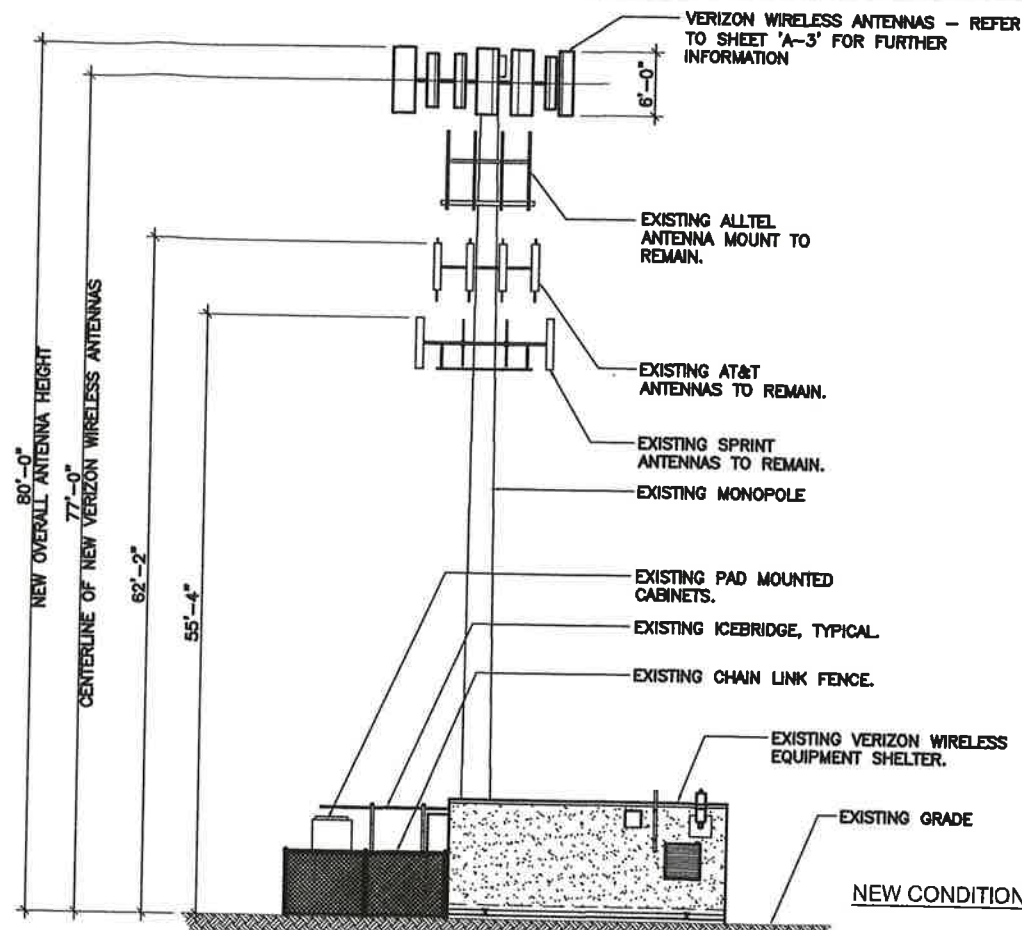
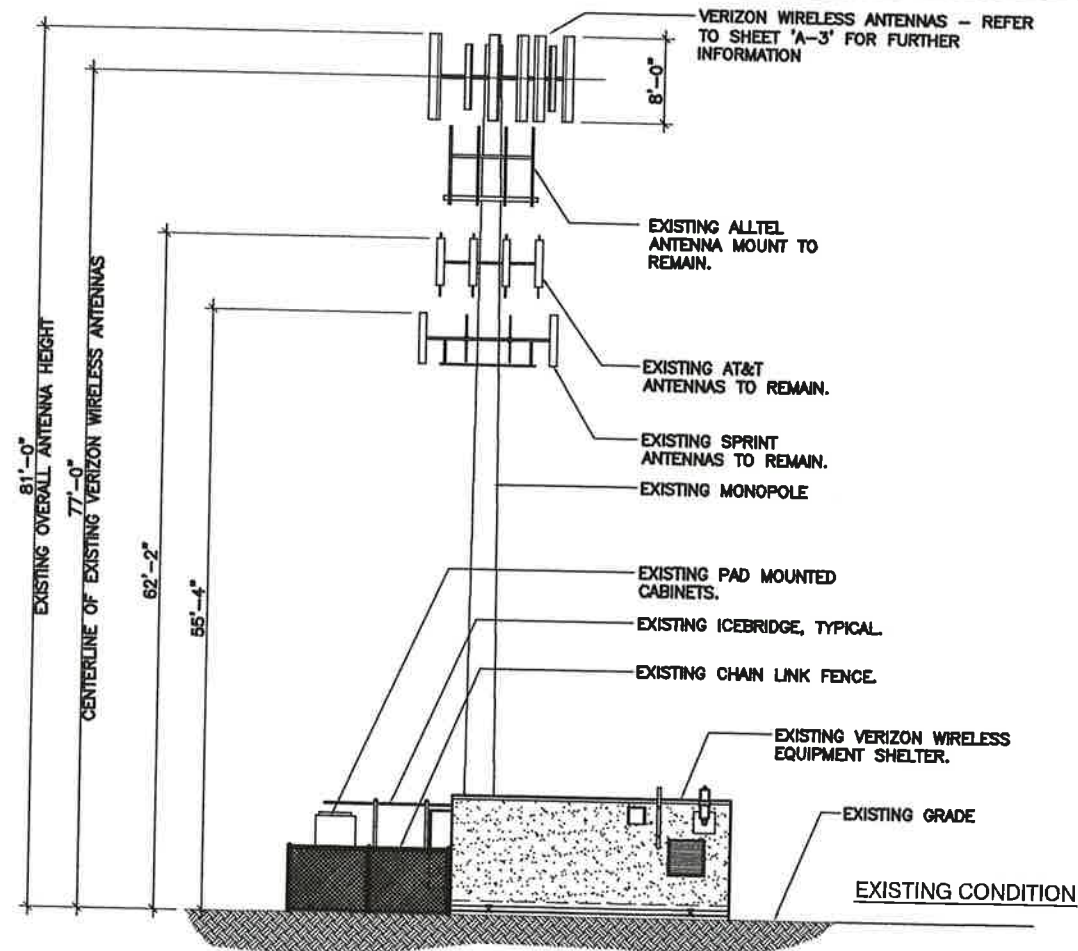
S. 140TH ST & E. GERMANN RD.  
GILBERT, AZ

SHEET TITLE

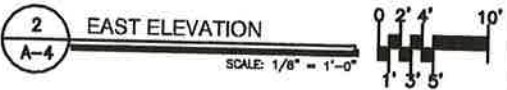
**PROJECT ELEVATIONS**

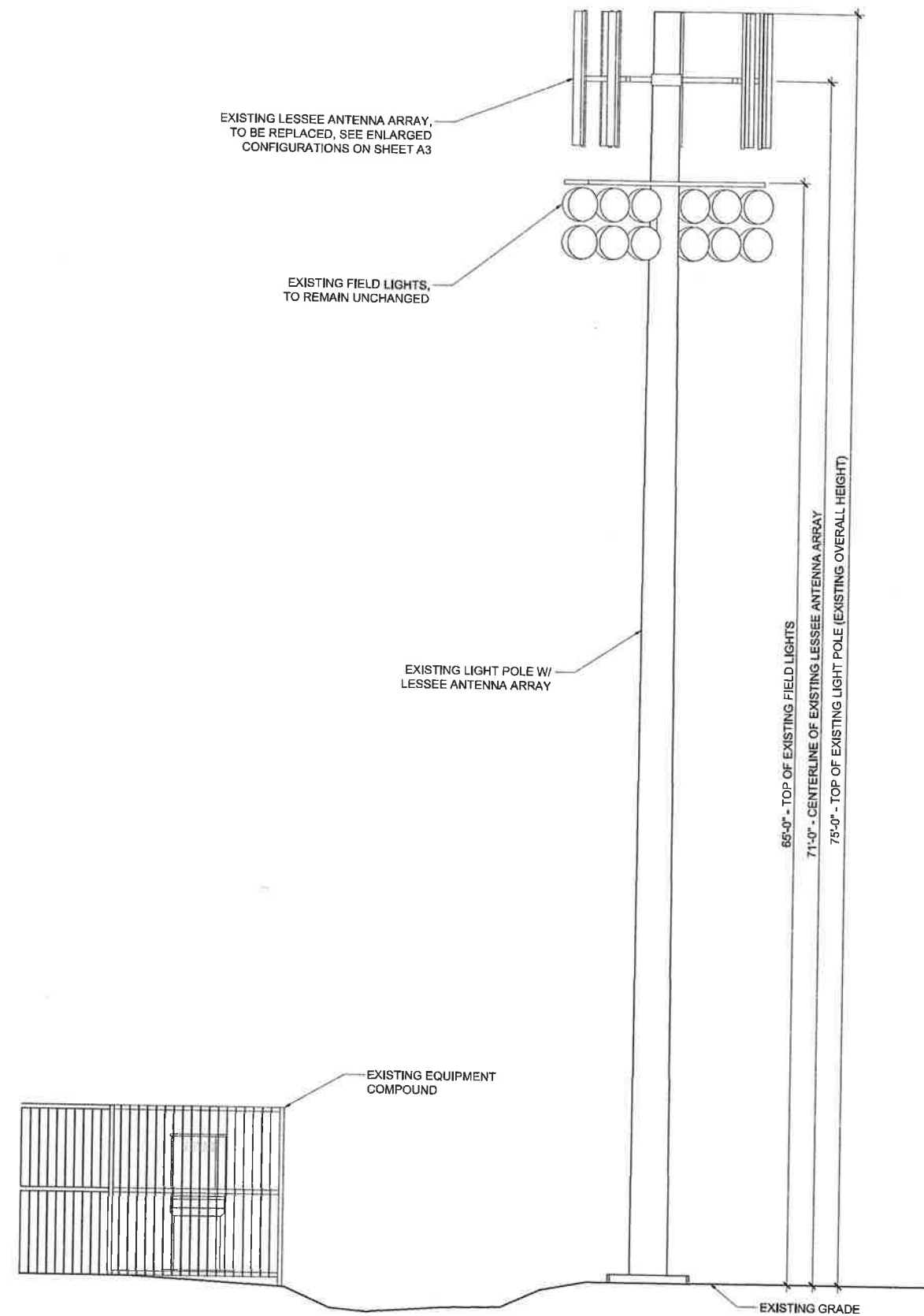
SHEET NUMBER

**A-4**

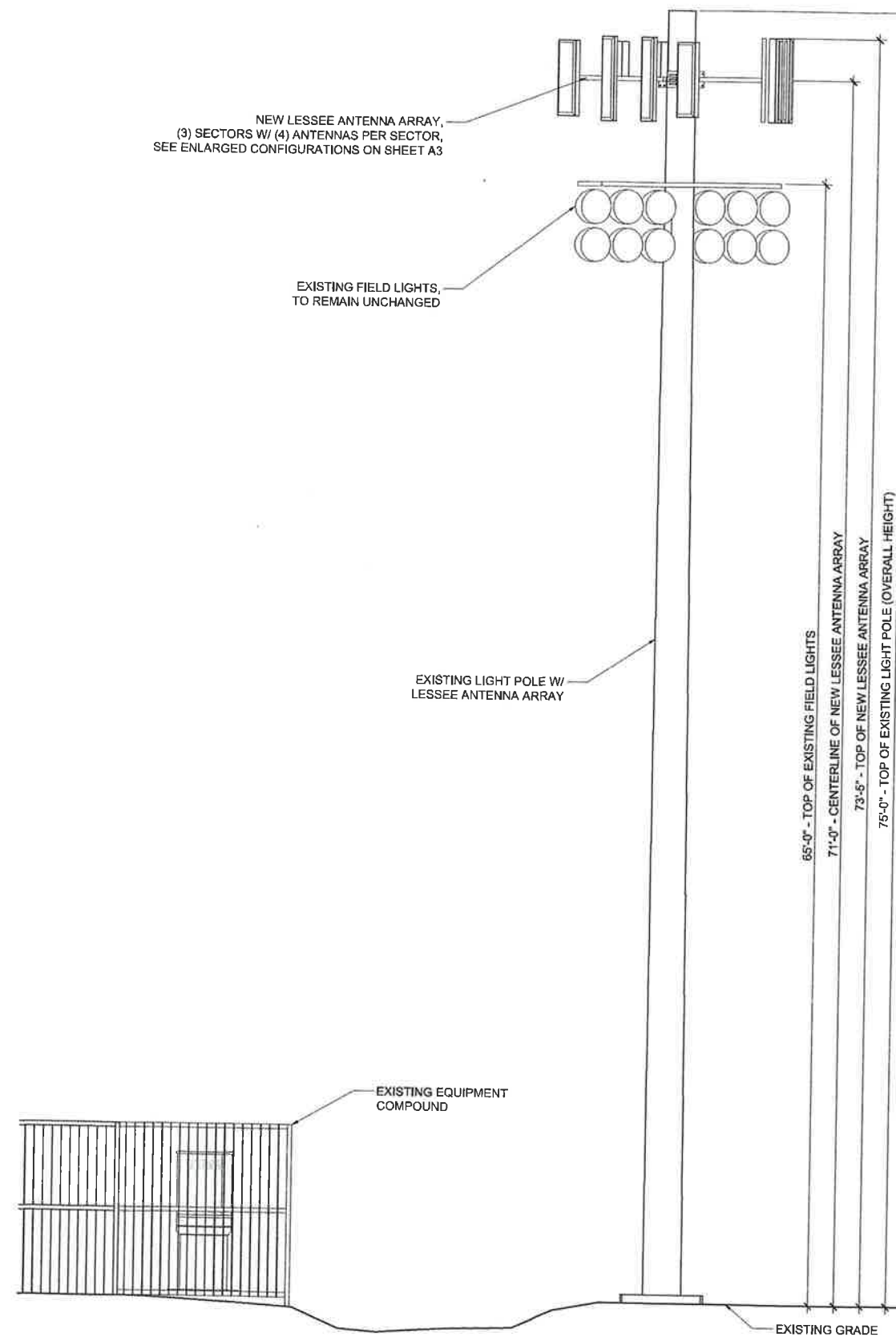


Approved Zoning Administrator  
CASE: # AUP11706 Rev.  
DATE: 11/21/13  
SUBJECT TO CONDITIONS OF APPROVAL





2  
A-4  
EXISTING SOUTH ELEVATION  
SCALE: 1/4" = 1'-0" SCALE: 1/4" = 1'-0"



1  
A-4  
NEW SOUTH ELEVATION  
SCALE: 1/4" = 1'-0" SCALE: 1/4" = 1'-0"

CLIENT

**verizon wireless**

126 W. GEMINI DR.  
TEMPE, AZ 85283

INTERNAL REVIEW	DATE
CONSTRUCTION SIGNATURE	
RF SIGNATURE	
FACILITIES SIGNATURE	
REAL ESTATE SIGNATURE	

PLANS PREPARED BY

**Young design corp**

architecture / project management  
10245 E. Via Linda, Scottsdale, AZ 85258  
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REGISTERED PROFESSIONAL ENGINEER  
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NO.	DATE	DESCRIPTION
1	07/11/13	PRELIMINARY REVIEW
2	10/01/13	REVISED SMR

ARCHITECTS JOB NO.  
YDC-4941

PROJECT INFORMATION

**PHO ELLIOT & VAL VISTA-AWS**

1101 E. ELLIOT ROAD  
GILBERT, ARIZONA 85296

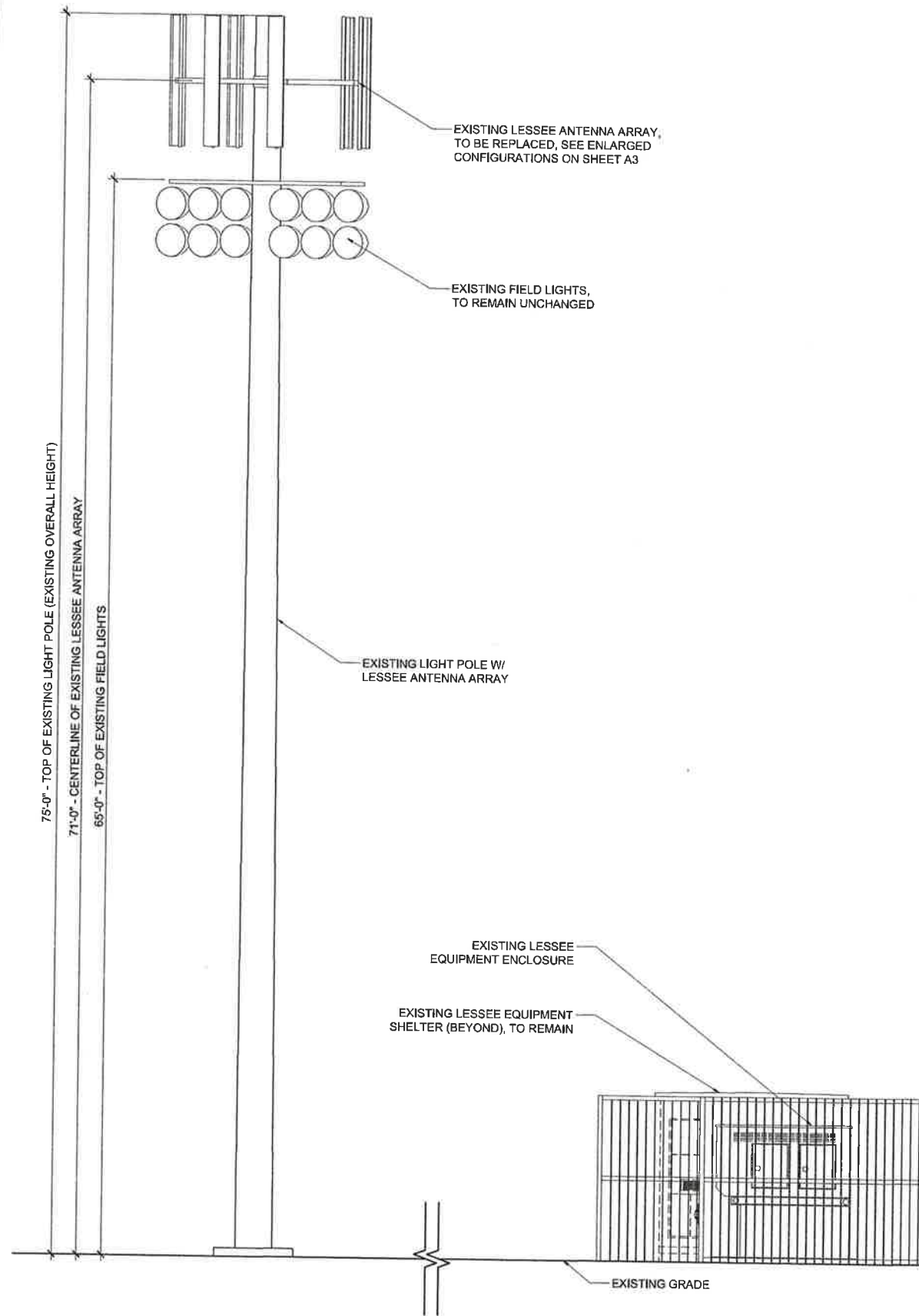
SHEET TITLE  
**ELEVATIONS**

JURISDICTION APPROVAL

Approved Zoning Administrator  
CASE: # AUP09-16 Rev.  
DATE: 11/21/13  
SUBJECT TO CONDITIONS OF APPROVAL

SHEET NUMBER  
**A-4**

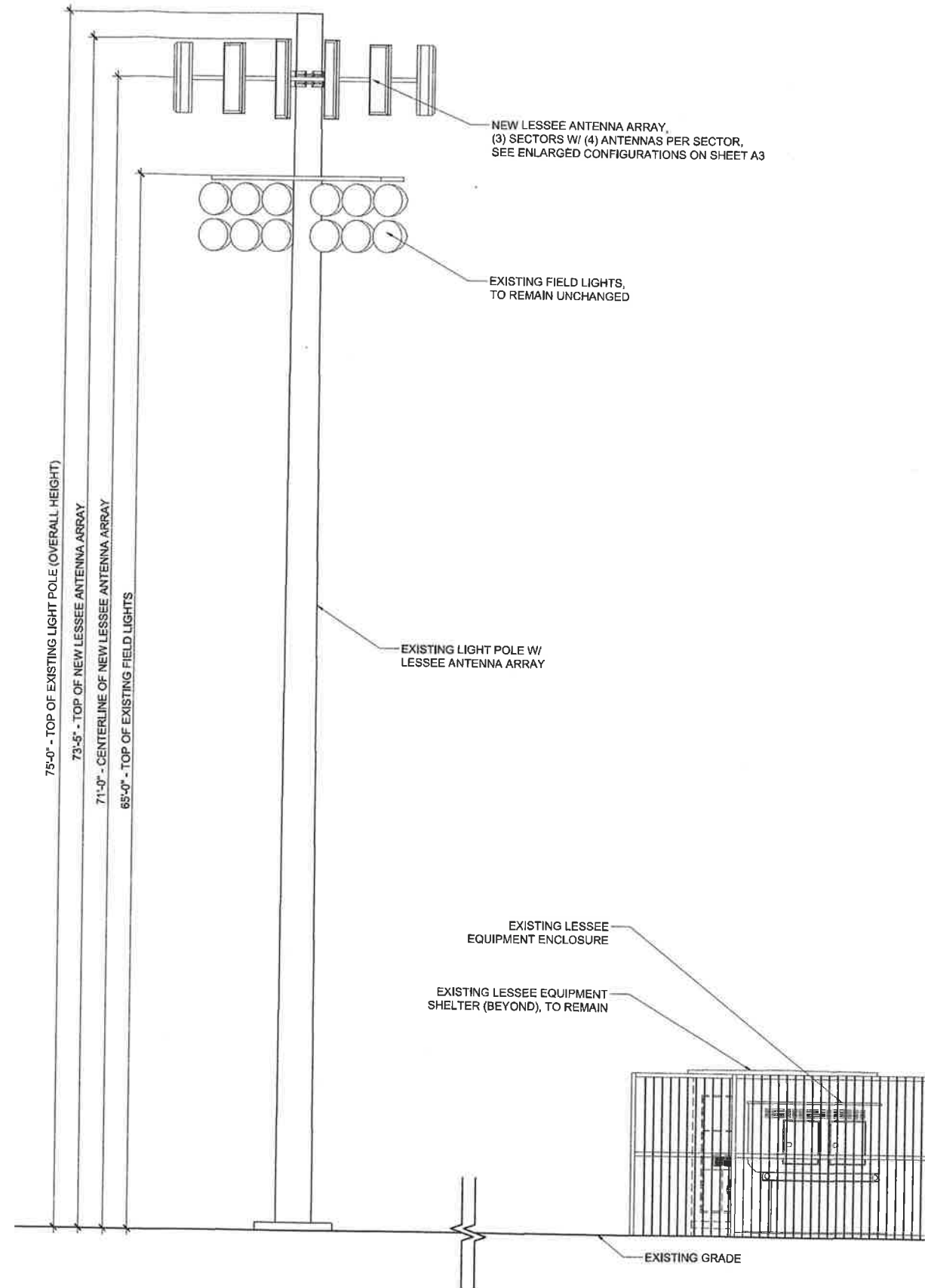




2 EXISTING EAST ELEVATION

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"



1 NEW EAST ELEVATION

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

CLIENT

**verizon wireless**

126 W. GEMINI DR,  
TEMPE, AZ 85283

INTERNAL REVIEW

DATE

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PLANS PREPARED BY

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2	10/01/13	REVISED SMR

ARCHITECTS JOB NO.

YDC-4941

PROJECT INFORMATION

**PHO ELLIOT & VAL VISTA-AWS**

1101 E. ELLIOT ROAD  
GILBERT, ARIZONA 85296

SHEET TITLE

**ELEVATIONS**

JURISDICTION APPROVAL

Approved Zoning Administrator  
CASE: # AWP09-16 Rev.  
DATE: 11/21/13  
SUBJECT TO CONDITIONS OF APPROVAL

SHEET NUMBER

**A-5**